IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No. 363 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17/01/2005 in WP No. 3696 OF 2004 on the file of the High Court.)

Between:

1. Smt. Nalini Devi W/o Sai Ram Yachendra
R/o Chennai Tamilnadu State
2. Smt. J. Rajya Lakshmi W/o Nrupender Rao
R/o Hyderabad.

..... APPELLANTS

AND

1. The District Collector, East Godavari District at Kakinada
2. The Special Deputy Collector (Land Acquisition) A.P. Infrastructure Industrial Corporation Limited, Kakinada,

East Godavari District.
3. The Land Acquisition Officer and Special Tahasildar for Land Acquisition for ESSAR Gujarat Limited, Kakinada, East Godavari District.
4.I.V. Rama Prakash S/o I.V. Chinna Rao
R/o Kakinada, East Godavari District.

.....RESPONDENTS.

Counsel for the Appellants: Mr. CH.DHANAMJAYA

Counsel for Respondent Nos. 1 & 3: G.P. for Land Acquisition.

Counsel for Respondent No.2: Mr. E.Madan Mohan Rao.

Counsel for Respondent No.4: None appeared.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

Appellants are writ petitioner Nos. 2 and 3 and are aggrieved by the order passed in the writ petition by the learned Single Judge granting relief to the writ petitioner o.1, but not granting the same relief to the appellants.

Writ petitioner No.1 submitted representation stating that he and his two sisters and his father are absolute owners and the land mentioned in the representation was owned by them, which was acquired by M/s ESSAR Gujarat Limited in 1990-91 and he is General Power of Authority holder of his two sisters and father and then made a request for referring the matter to the Court under Section 18 of the Land Acquisition Act for determination of the market value of the land being subject matter of Award Nos. 1/91 and 2/92. Though the request of the first petitioner was considered by the learned Single Judge, but the request of the appellants seeking reference to the Court was rejected. Not only in representation dated: 15.6.1991, but, also in subsequent representations dated: 5.9.1993, 10.12.1995, 7.8.1998 as also in representations dated: 24.3.2002 and 21.8.2003 addressed to the Special Tahsildar & Land Acquisition Officer, it was reiterated by the first writ petitioner that he was making request for reference repeatedly on his own behalf and also on behalf of his two sisters. At no point of time, his authority to represent his two sisters was challenged and that is why, writ petition was also filed by the writ petitioners jointly making the same plea. Once the writ petitioners 2 and 3 who were appellants herein had reiterated what the first petitioner has stated in the representations, it ought to be taken by the respondents as ratification of the act of the first petitioner in having represented on their behalf also for making reference under Section 18 of the Land Acquisition Act. For that reason, we are of the view that the order of the learned Single Judge in not granting the same relief as was granted to the writ petitioner No.1 is not sustainable in law. Accordingly, we allow the Writ Appeal, set aside that part of the order passed by the learned Single Judge, which rejects the request of

the appellants and modify the impugned order by issuing the same directions qua appellants as has been issued qua the first writ petitioner. No costs.

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DEVINDER GUPTA, C.J.

10.3.2005.

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B.SESHASAYANA REDDY, J.

VR..

To

1. The District Collector, East Godavari District at Kakinada.
2. The Special Deputy Collector (Land Acquisition) A.P. Infrastructure Industrial Corporation Limited, Kakinada,

East Godavari District.
3. The Land Acquisition Officer and Special Tahasildar for Land Acquisition for ESSAR Gujarat Limited, Kakinada, East Godavari District.

4. The Principal District Judge, Rajamundry.

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